

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

OP.No. 21471 of 2002(F)

PETITIONER:

MRS.SINDUM JOY EDASSERY, EDASSERY HOUSE,
ANAMANGAD POST, MALAPPURAM 679354

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM
2. FACT SCHOOLS MANAGER (CO-ORD.)
FACT TOWNSHIP SCHOOLS ESTABLISHMENT,
UDYOGAMANDAL - 683 501

BY ADV. SRI.A.K.JAYASANKAR NAMBIAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP NO.36771/02 & I.A.NOS.12779/03 & 8630/04
IN OP NO.21471 OF 2002 F

//DISMISSED//

29.06.2007.

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE VACANCY ADVERTISEMENT NO.1/2002 DATED
17.6.2002.

EXT.P2: TRUE COPY OF LETTER FROM DY. CHIEF MANAGER (PERSONNEL)
MARKETING, THE FERTILISERS & CHEMICALS TRAVANCORE LTD. TO MOTHER
OF THE PETITIONER.

EXT.P3: TRUE EXTRACT OF THE RELEVANT PORTIONS OF THE APPLICATION DATED
27.6.2002.

EXT.P4: TRUE COPY OF INCOME CERTIFICATE ISSUED FROM VILLAGE OFFICER,
PERINTHALMANNA DATED 27.6.2002.

EXT.P5: TRUE COPY OF GOVERNMENT ORDER DATED 6.1.2001.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.21471 OF 2002

Dated this the 29th day of June, 2007

JUDGMENT

Petitioner's father was employed in FACT. He died while in service. FACT invited applications from dependents of their deceased employees for appointment to FACT school, which is stated to be an aided school. Petitioner applied. FACT found that the petitioner was married with two children and therefore, cannot be treated as a dependent for appointment.

2. The school is an aided school and Kerala Educational Rules, 1958 applies. Petitioner's father was not a teacher in that school. Therefore, Rule 51 B of Chapter XIV A KER does not apply.

3. The only question therefore, is whether the respondents are to be compelled to appoint the petitioner as a teacher in the FACT school merely because she claims to be a dependent of a person who was employed in FACT and not in the FACT school.

Learned counsel for the FACT points out that as of now, the school has been handed over to a different management. The view taken by FACT that the petitioner is not a dependent of her father on accounts of her marriage, cannot be treated as irrational or arbitrary. There was no binding statutory rule which compelled FACT to provide employment assistance to the petitioner merely because she is a daughter of an employee who died in service of the FACT. Under such circumstances, the impugned actions cannot be found fault with. No directions are called for in this writ petition.

In the result, the writ petition is dismissed. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN
Judge

k kb.

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THOTTATHIL B. RADHAKRISHNAN, J

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